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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 PATRICE A. MISSUD, JULIE D. MISSUD,

Plaintiff,

Defendants

Case No. C07-2625 JL

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO DISMISS**

Date: September 5, 2007
Time: 9:30 a.m.
Judge: Hon. James Larson

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

2 Pursuant to Rule 201 of the Federal Rules of Evidence, defendants hereby respectfully
 3 request that the Court take judicial notice of the following documents attached hereto as **Exhibits**

4 **JN1 through JN9:**

5 Item	6 Description
7 Exhibit JN1	Complaint filed August 22, 2005 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-444247 .
8 Exhibit JN2	Order Sustaining Motion to Quash Service of Summons and Complaint entered November 9, 2005 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-444247 .
9 Exhibit JN3	Complaint filed December 9, 2005 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-447499 .
10 Exhibit JN4	Order Sustaining Motion to Quash Service of Summons and Complaint entered on April 26, 2006 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-447499 .
11 Exhibit JN5	Order entered on August 30, 2006 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-447499 .
12 Exhibit JN6	Order Sustaining Motion to Quash Service of Summons and Complaint entered on September 13, 2006 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. 05-447499 .
13 Exhibit JN7	Complaint for Fraudulent Inducement, Fraudulent Concealment, Intentional Misrepresentation, Breach of Fiduciary Duty, Declaratory Relief and Restitution filed on October 23, 2006 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. CGC 06-457207 .
14 Exhibit JN8	Order Sustaining Motion to Quash Service of Summons and Complaint entered on January 11, 2007 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. Case No. 05-447499 .
15 Exhibit JN9	Order (1) Sustaining Motion to Quash Service of Summons and Complaint and (2) Taking Off-Calendar Motion to Declare Patrice Missud a Vexatious Litigant entered on February 15, 2007 , in <i>Patrice A. Missud v. DR Horton, et al.</i> , San Francisco County Superior Court, Case No. CGC 06-457207

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1 Judicial notice of the above described documents is appropriate under Rule 201 of the
2 Federal Rules of Evidence, which provides that “a judicially noticed fact must be one not subject
3 to reasonable dispute in that it is . . . capable of accurate and ready determination by resort to
4 sources whose accuracy cannot reasonably be questioned.” F.R. Evid. 201(b)(2). The Court may
5 take judicial notice of court files. *Fant v. Residential Services Validated Publications*, 2007 WL
6 833178 at *3 (E.D.Cal. 2007) (“[t]he Court may take judicial notice of court records”) citing
7 *United States v. Bernal-Obeso*, 989 F.2d 331, 333 (9th Cir.1993); *see also, Mullis v. U.S.*
8 *Bankruptcy Court*, 828 F2d 1385, 1388, fn. 9 (9th Cir. 1987) (pleadings, orders and other papers
9 on file in underlying court case subject to judicial notice). Judicial notice is mandatory if
10 requested by a party and the court is supplied with the necessary information. F.R.Evid. 201(d).

11 Dated: July 30, 2007

WENDEL, ROSEN, BLACK & DEAN LLP

13 By: /s/ Gillian M. Ross
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16 D.R. Horton, Inc., DHI Mortgage
17 Company, Ltd, LP., Donald Horton,
18 Donald Tomnitz, Michael Mason, Daniel
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